IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.130 OF 2007
IN
CRIMINAL APPEAL NO.138 OF 2007

Mahadev Bhagwan Karande ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.V.S.Talkute, Adv. for Applicant.
Mr.A.S.Shitole, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 26th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused and the learned APP for the State.

2. The applicant has been convicted under Section 307 of IPC and sentenced to suffer imprisonment for ten years. The applicant is now seeking bail.

3. The learned Advocate for the applicant pointed out that the applicant had not assaulted PW-1 Uttam with any deadly weapon, but, with chappal (slipper). He submitted that chappal (slipper) cannot said to be a deadly weapon and

that when the applicant assaulted Uttam with chappal (slipper) he could not have imagined that it would cause a fracture to PW-1 Uttam.

4. The learned Advocate for the applicant has further submitted that the applicant was on bail during the trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution. Hence, the learned Advocate for the applicant has prayed that the applicant may be released on bail.

5. Looking to all these facts and evidence on record, I am inclined to release the applicant on bail.

6. The applicant to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall report to Phaltan Police Station once in a week, till disposal of his Appeal.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)